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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,687	08/10/1999	ERIN DRAKELEY O'BRIEN	08575/048001	9542
26161	7590	05/04/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MILEF, ELDA G	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/371,687	Applicant(s) O'BRIEN ET AL.	
	Examiner Elda Milef	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-25 and 27-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-13,15-25 and 27-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/22/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1, 5-6, 8, 13, 17, 18, 20, 25, 29, 30, 32, 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman (US Patent No. 5,974,135 in view of O'Neal (US PG. Pub. No. 2004/0062370).

Re claims 1,5,6: Breneman discloses a computer implemented method for providing access to an account of a second party (customer's account, col.1, lines 25-35) comprising receiving identification information (agent signs on, col. lines 8-64, especially lines 10-14; and line 48; agent's passwords, col. lines 64-67; col. 12, lines 13-26; lines 11-16; col. 18)

associated with first party (agent, col. 1, lines 16-35; col. lines 41-54)

that does not contain an authenticator of the second party (agent receives right to access customer's accounts without having to use any customer passwords, col. 6; the agent can display the customer account data, col. 7, lines 1-6; col. 10, lines 38-57)

based on the ID information (see above) receiving account information that defines a right (agent's access level, col. 9, lines 37-52) of the first party to access account data associated with account of second party (after agent logs on, col. 6; their user ID and password are validated, col. 12, lines 14-26; col. 18, lines 1-51 they can see customer data and help

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the customers make reservations, col. 1, lines 18-24)

providing access to the program based on the access information and the account information (agent data, col. 6, lines 8-22; col. 9, lines 37-44; col. 12, lines 14-26; customer account data, col. 6, lines 54-64; col. 13, lines 38-64).

the enabling comprising displaying a Web page including information corresponding to the account data, the displayed Web page (the various host computer systems 230 may be physically distributed onto different computer systems and locations, and communicate over a wide area network...) -see col. 7, lines 51-53 and (This module contains the functionality needed to browse hypermedia data, including the ability to render HTML, SGML, PDF or other document description languages, execute Java or other applets, and communicate with the hypermedia server 260, In the preferred embodiment, the hypermedia module 304 is provided by a browser object from Microsoft Corp.'s Internet Explorer...) - see col. 9, lines 7-15.

Breneman disclose without receiving the authenticator of the second party- (agent receives right to access customer's accounts without having to use any customer passwords, col. 6; the agent can display the customer account data, col. 7, lines 1-6; col. 10, lines 38-57);

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Breneman does not disclose without requiring the second party to access the account data at the same time. O'Neal however, teaches ("The access monitor and control web page 1010 is used by an authorized employee of a service provider to monitor activity and charges associated with customer accounts and to prescribe corresponding alerts and actions that will be automatically executed when specified account events occur...")-see [0102], Fig. 10. O'Neal discloses a web-based interactive billing control system. The authorized employee has access to an account in order to monitor activity, in the O'Neal reference, the employee is monitoring the account for charges exceeding a credit limit. The authorized employee is monitoring the account on the company's behalf and will notify the customer via an email message of changes to the account.-see [0091]. Therefore, it is obvious that the second party (customer) is not required to access the data at the same time as the authorized employee. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman to include that the data accessed on the Web page concerning the account of a second party, can be accessed by the first party without the second party viewing the data at the same time, as taught by O'Neal in order to allow an authorized employee of a company to monitor the account and make

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changes to the account on behalf of the company. Furthermore, it is common for authorized employees (first party) to access the accounts of customers (second party), for example, bank tellers can access the bank accounts of customers at anytime without needing the customer to access the account data at the same time. In addition, first parties such as stock brokers, mortgage company employees, credit card customer service representatives have access to customer accounts without the customer(second party) being made aware of each time their accounts are accessed by the employee.

Breneman does not disclose he Web page having an appearance that is substantially similar to an appearance of a Web page displayed when the second party accesses the account data. O'Neal however, teaches a monitoring and control Web page, Fig. 10 which is accessible by the first party (authorized employee) only, and account web pages used by the customer(second party), Figs. 7-8 which are similar in appearance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman to include displaying Web pages to the authorized employee (first party) that are similar to appearance to those

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displayed to the customer (second party) in order to permit varied levels of access to the participants.

Re claim 8: Breneman disclose changing a parameter associated with the account data. ("The configuration data may also include definitions of the screens locations of data fields...to allow extracting data from, and writing data to...")-see col. 6, lines 18-23.

Re claims 13, 17,18,20: Further a computer program would have been necessary to perform the method of previously rejected claims 1,5,6,8 respectively and are therefore rejected using the same art and rationale.

Re claim 25: Breneman disclose the limitations as in claim 1 above, and further Breneman disclose an apparatus comprising a memory and a processor (computers fig. 2; 206, 311, 208, 304, Fig. 3; cols. 5-8).

Re claims 29,30,32: Further an apparatus comprising a processor would have been necessary to perform the method of previously rejected claims 5,6,8 respectively, and are therefore rejected using the same art and rationale.

Re claims 37-39: Breneman disclose using HTTP (col. 5, lines 60-67; col. 6, lines 1-6; col. 9.,lines 4-15).

Re claims 40, 41, and 42 have similar limitations found in claims 1,13,and 25 above, and therefore are rejected by the same rationale.

Re claim 43: Breneman disclose wherein the authenticator is a password ("This configuration includes for each agent, identification information such data as user ID's , authentication information (passwords, certificates)..."-see col. 6, lines 11-14, col. 12, lines 14-26, col. 18, lines 1-51).

3. Claims 3-4, 15-16, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman in view of O'Neal as applied to claims 1, 13, and 25 above, and in further view of Sikorski, (Sikorski, Robert, and Richard Peters, A *Privacy Primer for the Web*. JAMA. Vol. 279, No. 15,pp. 1219-1220; April 15, 1998).

Breneman discloses using a password the purposes of a host session (e.g., col. lines 1-51) and using browsers such as IE (col. 9, lines 1-15), Breneman fails to particularly call for the details involved with using IE and cookies, and as such fails to particularly call for using a text file or cookies, as specified in **claims 3-4, 15-16, and 27-28**. Sikorski teaches using a text file or cookies ("Cookies are an oddly named

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software feature that is built into most Web browsers in use today. Cookies are small pieces of data (the size of words) that reside on the computer in a simple file, called, depending on the browser, either the cookie file or magic cookie file. When a user visits a Web site, the site can send back commands that will deposit small pieces of information into the computer's cookie file. Cookies can be a great convenience if used to store an identification number or password when a user logs into a secure site. During the next visit, the site can automatically read the contents of the cookie file, get the password, verify that the visitor is authorized to enter, and allow his or her entry without the user having to log in again from scratch. All of this can occur behind the scenes, without the user's knowledge. The cookie file also can be used to hold information about the items selected by a user doing some online shopping. When it is time to make the actual purchase, the cookie file is decoded and used to determine the items selected for billing to a previously entered credit card account.") -see p. 2, col. 2, pars. 2-3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman and O'Neal to use cookies as was disclosed by Sikorski which are in fact text files because Breneman discloses using a password the purposes of a host session and using browsers such as IE.

Doing so would allow for agents login to be remembered so the agent would not have to login every time they need to access a Customer's account.

4. Claims 7, 19, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman in view of O'Neal as applied to claim 1 above, and further in view of Pacifici (US Patent No. 6,230,171).

Re claim 7: Although O'Neal disclose ("online access to transaction records within the database is provided to authorized users via a web server [0082] and ("A user 310 is shown viewing his/her detailed telecommunications account information via web pages 314, 316")-see [0083], and ("One skilled in the art will appreciate that the user 310 can be either a customer or an employee of the telecommunications and messaging service provider who is authorized...")-see [0086], Breneman and O'Neal do not explicitly disclose wherein the displayed Web page has an appearance that is identical to an appearance of a Web page displayed when the second party accesses the account data. Pacifici, however, teaches ("Mechanisms for synchronizing the views, of the participants of a Web co-browsing session, to a unified consistent view of the shared HTML document are also utilized for the correct

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realization of the markup functions. Two approaches for synchronization are presented: the hard synchronization approach which implements a complete What You See Is What I See (WYSIWIS) environment, and the flexible synchronization approach, which gives more freedom to the participants in deciding on the visible portions of the shared document in their browsers, while keeping a consistent layout for the document and markup HTML components. ") - see col. 3, lines 28-38. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman and O'Neal to synchronize the views of the Web pages as taught by Pacifici in order to facilitate discussions on issues related to a particular account by participants viewing the same information online.

Re claim 19: Further a computer program would have been necessary to perform the method of previously rejected claim 7 and is therefore rejected using the same art and rationale.

Re claim 31: Further an apparatus comprising a processor would have been necessary to perform the method of previously rejected claim 7, and is therefore rejected using the same art and rationale.

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5. Claims 9-12, 21-24, 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman.

Breneman disclose a computer implemented method for providing access to an account of a second party (customer's account, col.1, lines 25-35) comprising receiving identification information (agent signs on, col. lines 8-64, especially lines 10-14; and line 48; agent's passwords, col. lines 64-67; col. 12, lines 13-26; lines 11-16; col.

18)

associated with first party (agent, col. 1, lines 16-35: col. lines 41-54)

that does not contain an authenticator of the second party (agent receives right to access customer's accounts without having to use any customer passwords, col. 6; the agent can display the customer account data, col. 7, lines 1-6; col. 10, lines 38-57)

using identification information and account information specifically associated with the account of the second party to verify that the first party is entitled to access account data associated with the account of the second party; and wherein the account information defines a right of the first party to access the account data and does not contain the authenticator of the second party ("The teleservices application automatically

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provides the telephone number of the customer call received from the telephony control module to the customer database to retrieve customer data associated with the telephone number. In this manner, the agent is able to see customer data, such as customer name, address, account number, and other information, before answering the customer call and speaking with the customer. This feature further decreases the time needed to access customer data, since the agent does not have to wait to speak to the customer, obtain identifying information from the customer and then manually search the customer database in the first instance to obtain the customer data.")-see col. 3 lines 28-42). Breneman's invention reduces the time needed to access customer data because as stated above, the teleservices application automatically provides the telephone number of the customer (account information) in order to access the customer account data and the identification information from the customer is not needed as otherwise would be conventionally required. Therefore, it is obvious to one having ordinary skill in the art that Breneman's invention discloses the fact that other methods of data retrieval would have required both identification and account data associated with the account of the second party. Breneman's invention facilitates the data retrieval by using only one form of verification. ;

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providing the account information to a storage device associated with the first party for use in accessing the account data ("customer database")-col. 3 lines 28-42, as specified in **claims 9, 12, 21-24, 33-36;**

obtaining account information from the storage device (customer account data, col. 6, lines 54-64; col. 13, lines 26-64), and determining/verifying if the first party is entitled to the account access (agent's access level, col. lines 37-52; after agent logs on, col. 6; their user ID and password are validated, col. 12, lines 14-26; col. lines 1-51 they can see customer data), as specified in **claims 10, 11, 12;**

a program that controls access to the account (e.g., program with search capabilities, col. 13, lines 26-64), specified in **claim 11;**

providing access to a second program (using subroutines, using IE, col. 9, lines 1-15 or col. 13, line 38-col. 14, line 4; Figs. 15-16), as specified in **claim 23-24:**

6. Claims 44,46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman in view of O'Neal as applied to claim 1 above, and further in view of Star (US PG. Pub. No. US 2003/0216990).

Re claim 44: Breneman and O'Neal do not specifically disclose wherein the account comprises one or more of the following : a retirement account, an investment account, and a benefits account. Star however shows ("the system provides an integrated package that integrates financial service providers ...a retirement plan service provider")-see para. 9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman and O'Neal to include managing online financial services including retirement plans as was shown by Star in order to provide control over transactions and accounts to authorized agents.

Re claims 46, 47, 48: Breneman and O'Neal do not specifically disclose maintaining session information that tracks activities of the first party during a session and displaying indicia to visually indicate that the first part is accessing an account to another and restricting an ability of the first party to modify account data. In regards to claim 46 and 47, Star shows ("In a further optional embodiment, the access controller may also create a log of each users transactions, and maintain the log in file that can be viewed by the root user.")-see para. 27, last sentence and in regards to restricting the ability to modify data, Star discloses ("For example, the root user, or admin, can provide users with read

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only access to the company account information. Further, the root user may restrict a subaccount user to certain transactions.")- see para. 27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman and O'Neal to include creating a log of user transactions to be shown to the root user or admin and providing restrictions such as read only access to certain users as was done by Star in order to provide another level of account security.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman in view of O'Neal as applied to claim 1 above, and further in view of Trowbridge (Trowbridge, Dave. VARs Find Profit in Crime. Computer Technology Review. Los Angeles: Jul 1992. Vol. 12, Iss. 8; pg. 1, 3 pgs.

Re claim 45: Breneman and O'Neal do not specifically disclose determining whether a predetermined time of inactivity has been exceeded, and if so, denying the first party access to the account data. It is well known to one having ordinary skill in the art that an automatic log-off of a user occurs after a period of inactivity as evidenced by Trowbridge, p.4, para. 6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman and

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O'Neal to include an automatic log-ff after a period of inactivity, as shown by Trowbridge in order to provide another level of security.

8. Claims 49, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman as applied to claim 9 above, and further in view of Star.

Re claim 49: Breneman do not specifically disclose wherein the account comprises one or more of the following : a retirement account, an investment account, and a benefits account. Star however shows ("the system provides an integrated package that integrates financial service providers ...a retirement plan service provider")-see para. 9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman to include managing online financial services including retirement plans as was shown by Star in order to provide control over transactions and accounts to authorized agents.

Re claims 52, 53, 54: Breneman do not specifically disclose maintaining session information that tracks activities of the first party during a session and displaying indicia to visually indicate that the first part is accessing an account to another and restricting an ability of the first party to modify account

data. In regards to claim 52 and 53, Star shows ("In a further optional embodiment, the access controller may also create a log of each users transactions, and maintain the log in file that can be viewed by the root user.")-see para. 27, last sentence and in regards to restricting the ability to modify data, Star discloses ("For example, the root user, or admin, can provide users with read only access to the company account information. Further, the root user may restrict a subaccount user to certain transactions.")- see para. 27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman to include creating a log of user transactions to be shown to the root user or admin and providing restrictions such as read only access to certain users as was done by Star in order to provide another level of account security.

9. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman as applied to claim 9 above, and further in view of O'Neal.

Re claim 50: Breneman do not specifically disclose based on the determination, displaying a Web page including information corresponding to the account data, the displayed Web page having an appearance that is substantially similar to an appearance of

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a Web page displayed when the second party accesses the account data. O'Neal, however, teaches a monitoring and control Web page, Fig. 10 which is accessible by the first party (authorized employee) only, and account web pages used by the customer (second party), Figs. 7-8 which are similar in appearance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman to include displaying Web pages to the authorized employee (first party) that are similar to appearance to those displayed to the customer (second party) in order to permit varied levels of access to the participants.

10. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman as applied to claim 9 above, and further in view of Trowbridge (Trowbridge, Dave. VARs Find Profit in Crime. Computer Technology Review. Los Angeles: Jul 1992. Vol. 12, Iss. 8; pg. 1, 3 pgs.

Re claim 51: Breneman do not specifically disclose determining whether a predetermined time of inactivity has been exceeded, and if so, denying the first party access to the account data. It is well known to one having ordinary skill in the art that an automatic log-off of a user occurs after a

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period of inactivity as evidenced by Trowbridge, p.4, para. 6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Breneman to include an automatic log-off after a period of inactivity, as shown by Trowbridge in order to provide another level of security.

Response to Arguments

11. In response to the applicant's arguments regarding claims 9, 21 and 33 and the suggestion that Breneman does not disclose or suggest "using both the identification information and account information specifically associated with the account of the second party to verify that the first party is entitled to access account data associated with the account of the second party..." and that no component of the Breneman system uses customer-specific account information to verify that the agent is entitled to access customer data associated with the account of that customer, the applicant's attention is directed to col. 3 lines 28-42. Breneman discloses "The teleservices application automatically provides the telephone number of the customer call received from the telephony control module to the customer database to retrieve customer data associated with the telephone

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number. In this manner, the agent is able to see customer data,
such as customer name, address, account number, and other
information, before answering the customer call and speaking
with the customer. This feature further decreases the time
needed to access customer data, since the agent does not have to
wait to speak to the customer, obtain identifying information
from the customer and then manually search the customer database
in the first instance to obtain the customer data." Breneman's
invention reduces the time needed to access customer data
because as stated above, the teleservices application
automatically provides to the agent, the telephone number of the
customer (account information) in order to access the customer
account data. The identification information from the customer
is not needed as otherwise would be conventionally required.

Applicant's arguments with respect to claims 1, 5-8,
13, 17-20, 25, 29-32, and 37-43 have been considered but are
moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.

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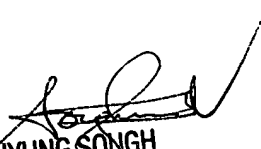
O'Harrow, Robert Jr., *Banks Told to Boost Data Safeguards; Regulators Call Procedures on Customer Information Inadquate [sic] to Curb Internet Abuses*. The Washington Post. Washington, D.C.: Aug 21, 1998. pg. G.01.-Cited for its reference to banks requiring more than passwords from customers to ensure their identity before sharing account information over the telephone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday - Friday 9:15 am to 5:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600